

REMARKS

The Office Action dated June 15, 2004, has been received and reviewed.

Claims 1-18 are currently pending and under consideration in the above-referenced application, each standing rejected.

Reconsideration of the above-referenced application is respectfully requested.

Claim Amendments

Independent claims 1 and 10 have both been amended to recite that a width of at least one conductive layer that is formed is oriented substantially perpendicular to a substrate. These revisions have been made to improve the clarity of claims 1 and 10 and do not narrow the scopes of either these claims or the claims that depend therefrom.

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement was filed in the above-referenced application on March 9, 2004, but that the undersigned attorney has not yet received any indication that the references cited in the Supplemental Information Disclosure Statement have been considered in the above-referenced application. It is respectfully requested that the references cited in the Supplemental Information Disclosure Statement of March 9, 2004, be considered and made of record in the above-referenced application and that an initialed copy of the Form PTO/SB/08A that accompanied that Supplemental Information Disclosure Statement be returned to the undersigned attorney as evidence of such consideration.

Obviousness-Type Double Patenting Rejection

Claims 1-18 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, and 14 of U.S. Patent 6,326,222 (hereinafter "the '222 Patent").

An obviousness-type double patenting rejection is appropriate where the subject matter recited in a claim is merely an obvious variation of the invention recited in a claim of an issued or patent or pending patent application. M.P.E.P. § 804.

A double patenting rejection of the obviousness-type is ‘analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103’ except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). M.P.E.P. § 804.

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that the claims of the above-referenced application differ significantly from and, thus, are nonobvious over claims 1, 10, and 14 of the ‘222 Patent for at least two reasons.

First, the methods that are recited in claims 1, 10, and 14 of the ‘222 Patent require that material be removed from conductive structures “to form conductive traces adjacent lateral edges of . . . resistors.” None of claims 1, 10, or 14 of the ‘222 Patent recites “substantially removing [at least] a longitudinal portion of . . . at least one conductive structure . . . to define at least one conductive layer having a width that is oriented substantially perpendicular to [a] substrate,” as recited in independent claims 1 and 10 of the above-referenced application. Nor is this subject matter an obvious variant of the purportedly corresponding subject matter from independent claims 1 and 14 of the ‘222 Patent.

Further, neither independent claim 1 nor independent claim 10 of the above-referenced application even mentions a resistor.

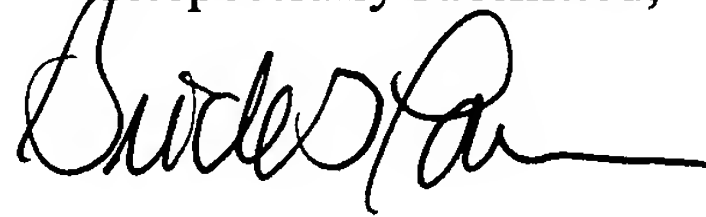
Second, none of claims 1, 10, or 14 of the '222 Patent recites that the substrate over which the at least one conductive layer is formed is exposed along a length of the at least one conductive layer, as required by independent claim 1 of the above-referenced application. Nor is exposure of the substrate adjacent to at least one conductive layer an obvious variant of the subject matter recited in any of claims 1, 10, or 14 of the '222 Patent.

As none of claims 1, 10, or 14 of the '222 Patent recites all of the elements of independent claim 1 or independent claim 10 of the above-referenced application or an obvious variant thereof, it is respectfully submitted that the obviousness-type double patenting rejections of these claims, as well as the rejections of claims 2-9 and 11-18 depending respectively therefrom, are improper. Accordingly, withdrawal of the obviousness-type double patenting rejections of claims 1-18 is respectfully requested.

CONCLUSION

It is respectfully submitted that each of claims 1-18 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", with a long horizontal flourish extending to the right.

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Date: September 13, 2004
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